

**JOINT STATEMENT OF COMMISSIONERS
KATHLEEN Q. ABERNATHY AND JONATHAN S. ADELSTEIN**

Re: Complaints against Fox Television Stations, Inc. Regarding Its Broadcast of the "Keen Eddie" Program on June 10, 2003, File No. EB-03-IH-0324

Re: In the Matter of WBDC Broadcasting, Inc., Licensee of Station WBDC-TV, Washington, D.C., File Nos. EB-03-IH-0466, EB-03-IH-0467; Facility ID No. 30576

Balancing First Amendment protections with our restriction on indecency requires a careful, measured approach that does not infringe upon fundamental constitutional rights. We have had to review many programs, which, as parents, we certainly would not want our children to watch. Yet, whether a program is suitable for our children is not the standard that as Commissioners of this agency we must apply. Certainly, there is a great deal of material that is not directed towards children and that many may find objectionable or in bad taste, yet the material does not rise to the level of being indecent. The programs in these complaints fit within that category. As other radio and television cases demonstrate, we have not shied away from enforcing restrictions on indecency when the matter at issue does violate our rules. We are, however, compelled by the Constitution not to overreach our limited authority in this area and impose our taste and personal judgments on the rest of America. If we overstep our authority, we run the risk of having our limited authority curtailed forever. As parents and Commissioners, we have carefully applied the law with the long-term sustainability of our enforcement authority in mind.